

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>IN RE: Frank Emery Torok II Debtor(s)</p> <p>US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust Movant</p> <p style="text-align: center;">vs.</p> <p>Frank Emery Torok II Debtor(s)</p> <p>Joann M. Torok Co-Debtor</p> <p>Scott F. Waterman Trustee</p>	<p style="text-align: center;">CHAPTER 13</p> <p style="text-align: center;">NO. 21-12867 PMM</p> <p style="text-align: center;">11 U.S.C. Section 362 and 1301</p>
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**MOTION OF US BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR VRMTG ASSET TRUST
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 AND 1301**

1. Movant is US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust.

2. Debtor(s) and Co-Debtor Joann M. Torok are the owner(s) of the premises 5201 Stansfield Drive, Zionsville, PA 18092, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$311,950.00 on the mortgaged premises that was executed by Debtor Frank Emery Torok II and Co-Debtor Joann M. Torok as co-mortgagors on August 4, 2005 . The mortgage has been assigned as follows:

Nationstar Mortgage LLC d/b/a Mr. Cooper to US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust dated 12/29/2021; recorded 2/3/2022.

4. Scott F. Waterman, is the Trustee appointed by the Court.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

6. As of February 21, 2022, the total payoff on the mortgage is \$366,802.35.

7. Debtor(s) and Co-Debtor have failed to make the monthly post-petition mortgage payments in the amount of \$2,293.81 for the months of November 2021 through December 2021 and \$2,450.59 for January 2022 through February 2022..

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The total amount necessary to reinstate the loan post-petition is **\$9,488.80** (plus attorney's fees & costs).

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esq.

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